

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LOCAL 513, INTERNATIONAL UNION OF  
OPERATING ENGINEERS, AFL-CIO, et al.

Plaintiffs,

V.

DAN A. NORMAN,

Defendant.

Cause No. 4:07CV00578 ~~FRB~~

## ~~PRELIMINARY~~ ORDER AND JUDGMENT

It appearing that the Defendant has failed and refused to comply with its commitments and promises, **JUDGMENT BY DEFAULT** is hereby entered against Defendant, Dan A. Norman, on Plaintiffs' Complaint.

**WHEREFORE, IT IS ORDERED** that a constructive trust shall be imposed over any part of the overpayment remaining in Defendant's possession and particularly with respect to Defendant's account at Concordia Bank in Concordia, Missouri.

**IT IS FURTHER ORDERED** that Defendant shall account to Plaintiffs for any amount of the overpayment still in his possession and requiring Defendant to return the same to Plaintiffs.

**IT IS FURTHER ORDERED** that Defendant shall account to Plaintiffs for any amount of the overpayment no longer in his control.

**IT IS FURTHER ORDERED** that Defendant shall pay to Plaintiffs their costs and attorney's fees associated with this case.

**IT IS SO ORDERED.**

James C. Hornum  
United States District Judge